



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,065	09/08/2004	Rene-Pierre Pont	04-476	8842
34704	7590	02/22/2006		
BACHMAN & LAPOINTE, P.C. 900 CHAPEL STREET SUITE 1201 NEW HAVEN, CT 06510			EXAMINER SUHOL, DMITRY	
			ART UNIT 3725	PAPER NUMBER

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

C

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/507,065	PONT, RENE-PIERRE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dmitry Suhol	3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 15, it is not clear what features/elements are encompassed by the phrase "drawing the texturing rolls". Are applicants saying that the texture rolls are essentially pulled/drawn or applicants trying to say that the rolls are mechanically driven by a machine such as a motor or another relationship altogether? For purposes of examination it is assumed that applicants attempting to claim that the rolls pulled/caused to rotate by a work strip running between them.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Eschauzier '455. Eschauzier discloses a method for manufacturing a pattern on an

aluminum sheet (2) containing all of the claimed elements including, passing a cold rolled strip immediately after cold rolling (through stand 9 figure 1 and 3B and 3C) through a roll gap of two textured rolls (13A and 15A) bearing a roughness pattern (pattern C and/or D), wherein the roughness pattern is transferred to the surface of the strip as a result of the force of the textured rolls acting on the strip (figures 3B and 3C), and, thereafter, coiling the textured strip (figure 1, coiler 23) as required by claims 13 and 19. The texturing rolls being connected to a drive facility is inherent in the system of Eschauzier, whether it is a drive to drive the rolls directly or a drive associated with coiler (23) or a drive associated with a set of feed rollers, regardless the texturing rolls are directly or indirectly connected to a drive facility.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eschauzier '455 in view of McShane '131. Eschauzier fails to disclose how his texture rolls are turned. However, McShane discloses a texture rolling device which teaches that it is known to draw a work strip (1) through the use of idle texture rolls (13) which are turned by tension applied to the work strip through a driven take up reel (5), (see col. 2, lines 40-46). Therefore it would have been obvious to one having ordinary

Art Unit: 3725

skill in the art, at the time of the claimed invention, to manufacture the system of Eschauzier such that the metal strip is drawn through the roll gap by the take up reel (23) and texture is applied by the texture rolls which are turned by the tension between them and the metal strip for the purpose of simplicity of construction and costs (see McShane col. 1, line 36).

Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eschauzier '455. The use of a constant roll force, as required by claim 16, would have been obvious since it would only depend on the desired final outcome of the pattern on the work strip and the thickness of the strip material itself, furthermore the examiner takes official notice that such work/texture roll positioning is well known in the art.

Regarding claim 18, a roll grind of a plurality of parallel grooves distributed over the outer face of the rolls would have been obvious since it only depends on the desired final design of the work strip surface and since Eschauzier clearly teaches that his texture rolls may incorporate any design (col. 4, lines 33-36).

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eschauzier '455 in view of Sheu et al '851. Eschauzier fails to explicitly teach that his texture rolls are roughened by an EDT type process. However, Sheu clearly discloses that the use of an EDT process to roughen texture rolls is commonly used in the art in order to produce a superior work/texture roll with a good durability (col. 2, lines 5-25).

Therefore it would have been obvious to use texture rolls whose surface was roughened by an EDT process in the system/method of Eschauzier for the purpose of providing texture rolls of superior quality and excellent durability.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eschauzier '455 in view of Klamma et al '516. Eschauzier discloses most of the claimed elements, as stated above, while Klamma is relied upon to teach the use of a rolling mill used for applying texture to a work strip during a final pass which uses intermediate rolls (6, 6') supported by backing rolls (21, 21') in figures 1A and 1B. Therefore it would have been obvious to utilize a six high rolling mill in the system and method Klamma to produce the texture on the work strip surface since it would only depend on the degree of rolling efficiency/tolerance desired.

Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eschauzier '455 in view of Hunke '013. Eschauzier discloses most of the claimed elements, as stated above, while Hunke is relied upon to teach a rolling mill which has working rolls (12) supported by intermediate rolls (13) supported by backing rolls (14, 15) which are connected to hydraulic pistons (42). Therefore it would have been obvious to utilize a six high rolling mill in the system and method Klamma to produce the texture on the work strip surface since it would only depend on the degree of rolling efficiency/tolerance desired (i.e. a cluster type mill is well known to produce an extremely close gauge, much more so than a two, four or conventional six high rolling

Art Unit: 3725

mill). Regarding the hydraulic pistons being set at a constant force, as required by claim 23, it would have been obvious to set the pistons a desired constant force since it would only depend on the desired final outcome of the pattern on the work strip and the thickness of the strip material itself.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eschauzier '455 in view of Mito et al '638 or Koss '323. Eschauzier discloses most of the claimed elements, as stated above, while Mito and Koss both teach mounting texture rolls in the framework of a cold rolling mill (Mito, figure 1, texture rolls 23 and 23 and Koss, figure 1, texture rolls 4 and 5). Therefore it would have been obvious to mount the texture producing rolls of Eschauzier in a frame of the cold rolling mill of his invention for the purpose of space savings.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Suhol whose telephone number is 571-272-4430. The examiner can normally be reached on Mon - Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3725

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dmitry Suhol  
Examiner  
Art Unit 3725

ds